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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) Criminal No. CR 08-0926 JSW

Plaintiff,

V.

MIGUEL ESPINOZA,

Defendant.

[PROPOSED] ORDER AND
STIPULATION EXCLUDING TIME
FROM FEBRUARY 12, 2009 TO
FEBRUARY 26, 2009

The parties appeared before the Honorable Jeffrey S. White on February 12, 2009.

With the agreement of counsel for both parties, the Court found and held as follows:

1. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C.

§ 3161, from February 12, 2009 to February 26, 2009, in light of defendant's counsel absence due to family leave and counsel's need to review discovery. Failure to grant the requested continuance would unreasonably deny defense continuity of counsel and deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due

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1 diligence and the need for counsel to review the discovery with the defendant.

2 2. Given these circumstances, the Court found that the ends of justice served by
3 excluding the period from February 12, 2009 to February 26, 2009, outweigh the best interest of
4 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

5 3. Accordingly, and with the consent of the defendant, the Court ordered that the period
6 from February 12, 2009 to February 26, 2009, be excluded from Speedy Trial Act calculations
7 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

8 IT IS SO STIPULATED.

9 10 DATED: January 8, 2009

11 /s/ _____
12 STEVEN KALAR
13 Counsel for Miguel Espinoza

14 15 DATED: January 8, 2009

16 /s/ _____
17 JEANE HAMILTON
18 Special Assistant United States Attorney

19 IT IS SO ORDERED.

20 21 DATED: February 13, 2009

22 _____
23 THE HON. JEFFREY S. WHITE
24 United States District Court Judge
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